

STATE OF VERMONT

SUPERIOR COURT
BENNINGTON UNIT

VERMONT SUPERIOR COURT
BENNINGTON UNIT

CRIMINAL DIVISION
Docket No. 173-219Bner

STATE OF VERMONT

FEB 07 2019

v.

FILED

MAX B. MISCH

INFORMATION BY ATTORNEY GENERAL

BY THE AUTHORITY OF THE STATE OF VERMONT, the Attorney General
for the State of Vermont, upon his oath of office, charges:

COUNT 1 of 2

CHARGE CODE: 13V4021A, CHARGE NAME: Large Capacity Ammunition
Feeding Devices, OFFENSE CLASS: M

On or about December 1, 2018, Max Misch (DOB 01/24/83), of Bennington, VT, at
Bennington, VT, in this unit, was then and there a person who possessed a large capacity
ammunition feeding device, in violation of 13 V.S.A. §4021(a) and against the peace and
dignity of the State of Vermont.

PENALTY: Pursuant to 13 V.S.A. §4021(b), imprisonment for not more than 1 year, or
fined not more than \$500.00, or both.

COUNT 2 of 2

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Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

Dated: 2/7/19.

STATE OF VERMONT
THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By: U. Doyle
Ultan Doyle
Assistant Attorney General

This information was presented to me and I have found probable cause on this 7th day of

Feb, 2019.
Wm Cohen
Judicial Officer Wm Cohen

VERMONT STATE POLICE
AFFIDAVIT



STATE OF VERMONT
BENNINGTON COUNTY, ss.
19B300267

NOW COMES, **Detective Trooper Patrick Slaney**, affiant, being duly sworn and on oath, deposes and says he has probable cause to believe that **Max B Misch (DOB 01/24/1983)** has committed the offense(s) of: **Large Capacity Ammunition Feeding Devices** a violation of **Title 13**, Vermont Statutes Annotated section **4021**.

On January 25, 2018, I was assigned a case which was initiated by the Bennington Police Department on October 16, 2018. At that time it was reported that Lisa Shapiro, also known as Lisa Misch (DOB 07/25/1967), had disclosed Max Misch was making racially charged comments about Ruquiyah (Kia) Morse and recently came into possession of an AK-47 rifle and several thirty round magazines. Corporal Roscoe Harrington conducted a phone interview where he reported Shapiro knew Misch to have purchased several thirty round magazines in New Hampshire between October 01, 2018 and October 16, 2018.

Cpl Harrington scheduled a follow-up interview with Chief Paul Doucette and Detective Sergeant Larry Cole the following day. On February 06, 2019, I reviewed the audio recording of the interview. During this interview Shapiro articulated Misch's escalating behavior, racist ideations, and a continued effort to obtain additional firearms, magazines, and ammunition. Misch's efforts to obtain thirty round magazines were focused beginning in late September 2018 through mid-October 2018. The pertinent information relating to my investigation disclosed during that interview is accurate to the information I learned during my interactions with Lisa Shapiro.

On January 28, 2019, at approximately 1430 hours, I spoke with Lisa Shapiro (DOB 07/25/1967) at the Vermont State Police Barracks located in Shaftsbury, Vermont. Prior to the start of the interview, I explained the Vermont State Police Sworn Audio Recorded Statement Waiver to Shapiro and allowed her to review the document. Shapiro advised she understood the contents and acknowledged the content by providing her signature.

During this interview, Shapiro explained she was concerned about her ex-husband, Max Misch (DOB 01/24/1983). During a session with her therapist, Shapiro disclosed her concerns which involved Misch's purchasing weapons, large capacity magazines, and stockpiling ammunition. This, coupled with Shapiro's knowledge of white supremacist and neo-Nazi affiliations of Misch, prompted the therapist to report the information to law enforcement.

Shapiro described Misch as an intelligent man, who has a working knowledge of laws and personal rights. He has a predatory nature and tries to intimidate people physically and through the internet. Shapiro said that Misch has no loyalty and is arrogant. Misch identifies as a White supremacist and neo-Nazi, and is a proud member of the Green Mountain Goys (a local white supremacist group). Shapiro disclosed that in March 2016, Misch assaulted Shapiro. During the assault, Shapiro described Misch as "snapping" and had strangled her by placing his hands around her neck. Based upon her past experiences, she feels Misch's concerning behavior has been escalating, which now includes the purchase of firearms.

Shapiro stated that between September and November 2018, Misch purchased an "AK-15" style rifle from the Bennington Armory located at 447 Main Street, Bennington, Vermont. In late September 2018, Shapiro accompanied Misch to the Bennington Trading Post located at 201 Northside Drive, Bennington, Vermont, where Misch purchased two thirty-round magazines. In mid-November and in early December 2018, Shapiro provided transportation for Misch to visit Runnings located at 18 Georges Field, Hinsdale, New Hampshire.

Based upon conversations with Misch during the ride to and from the store he explained he was seeking thirty-round magazines for the above mentioned rifle. Shapiro explained she is not familiar with firearms but through conversations with Misch, she learned there were new laws in Vermont regarding the purchase and possession of high capacity magazines.

Based upon the information provided by Shapiro on January 28, 2019, and again on February 04, 2019, I contacted the licensed firearms dealers Shapiro referenced above.

On January 28, 2019, I, along with Detective Lieutenant Reg Trayah visited the Bennington Armory located at 445 Main Street, Bennington, Vermont. We were greeted by the store owners Charles Jewett (DOB 04/15/1955), and Peter Laplante (DOB 08/24/1955). In speaking with Jewett and Laplante it was learned that Max Misch picked up a rifle that was purchased through an online firearms dealer and was transferred to the Bennington Armory. On October 05, 2018, Misch completed the transaction by completing an ATF Firearms Transaction Record which noted in-part the following details: Anderson AM-15 Serial Number 18128447 rifle 7.62 x 39 on 10/04/18 picked up on 10/05/18 by Max Misch NCIS 10052K1DH.

I asked both parties if they recalled if Misch purchased any magazines with the firearm. Laplante explained he facilitated the transfer and knew no magazines were included with the firearm, and that he did not purchase any magazines during that transaction. Neither party recalled Misch ever purchasing magazines from the Bennington Armory at any time. Laplante did, however, note he heard through unconfirmed sources Misch purchased magazines from the Bennington Trading Post.

On January 31, 2019, I visited the Bennington Trading Post located at 201 Northside Drive, Bennington, Vermont. As I walked in I was greeted by Michael Bucci (DOB 03/28/1972) who noted he was the manager of the store. I asked Bucci if he recalled conducting business with a Max Misch in the past. Bucci advised he did not and asked if I had a picture of him in case a visual aid would help his recollection. I presented Misch's DMV Photograph of which he did not recognize.

Bucci stated he could check to see if a serialized record was available through his point of sale system. Bucci queried Misch in the last name field. In doing so, a purchase was located by a Lisa Misch (Shapiro), Max Misch's ex-wife. This record indicated on September 26, 2018, at 5:06 pm, Lisa purchased two (2) AK47 30 round magazines and a Ruger EC9S 9mm Pistol totaling \$288.29. During my interview with Shapiro, she explained this purchase was made by Misch. The reason her name was associated was due to her ATF Firearms Transaction Record for the Ruger pistol.

It should be noted during my interactions with the firearm dealers, they disclosed being asked similar questions by Detectives from the Bennington Police Department regarding Misch. As a result were somewhat familiar with their dealings with Misch prior to my contact.

On January 31, 2019, at approximately 1415 hours, I arrived at the Runnings Sporting-goods store located at 18 Georges Field, Hinsdale, New Hampshire. While in the firearms department I was approached by Russell Mundell (DOB 12/29/1976). Mundell advised he was an assistant manager. I explained I was in contact with the store manager John Stiffler (DOB 04/14/1964) regarding an investigation I was conducting. Mundell explained he was well aware of the conversation and was tasked to follow up with the Vermont State Trooper. Mundell escorted me to the customer service desk and facilitated a query of their purchase records including authorization date, credit card number/owner, and product. The search resulted in locating a receipt that matched Lisa Misch's (Shapiro) name and the last four digits of the credit card noted was used: 0880. The receipt was date stamped on December 01, 2018 at 15:56:39. The items purchased included a light switch with batteries 1 each at \$3.49, and shooting generic 2 each at \$20.00 each; totaling \$43.49. During the January 28, 2019, interview Shapiro explained while she was Runnings, Misch asked if he could borrow money because he forgot his wallet at home. Shapiro authorized Misch to use her USAA credit card ending in 0880 for the transaction.

I asked if there were security cameras installed in the store. Mundell stated "yes" and was confident the recordings would still be available.

Mundell queried the time and date of the purchase and viewed the available recording. At 03:55:05 hours, I viewed a male and female approach what was labeled Register 03. Both parties matched the physical descriptions of Max Misch and Lisa Shapiro (Misch). I asked Mundell to display the recording in a full screen. In doing so I confirmed the parties pictured in the recording as Max Misch and Lisa Shapiro (Misch). It was confirmed the receipt time was reported using a 24 hour time format and the security camera used a 12 hour time format. Both are accurate indicating the time to be in the afternoon.

A summarization of my observation of the recordings are as follows: Misch and Shapiro walk up to the counter. Misch places three items in front of the cashier. The cashier picks the smallest of the three items up, scans it, and places it into a plastic bag. As the first item is taken off the top of the other two items, it reveals the second and third items. Based upon my training and experience I immediately recognized the items as two 30 round magazines in a style commonly used with 7.62 caliber round. These particular magazines feature a more distinct curvature designed to allow for the flow of the larger round into the firearm. It should be noted this magazine style and caliber is unique in being used with an AM-15 rifle platform chambered in 7.62x39mm Misch is known to have purchased on October 05, 2018.

I asked Mundell if he recognized the make of the magazine based upon the packaging. He advised yes and retrieved a like item to confirm the packaging and its contents. When Mundell returned he explained the 7.62x39mm ProMag Metal 30 Round Magazines are sold at Runnings for \$20.00. At the time of the conversation, Runnings did not have any of that exact style magazine but they did have a ProMag Metal 30 Round Magazine for .223 caliber, which is sold in the same package. I compared the package to what was pictured on the video and found them to be identical. I took a picture of the demonstrated package front and back to further document the similarities.

The cashier proceeded to scan one of the two magazines, places the scanner down and manually enters the items. She then places them into a bag. Misch can be seen using the credit card machine to complete the transaction. Misch then picks up the bag and walks with Shapiro towards the exit. In a second recording, Misch can be seen exiting the door with the bag in his hand at 1357 hours.

On February 04, 2019, at approximately 1030 hours, I met with Lisa Shapiro at the Vermont State Police Barracks located in Shaftsbury, Vermont. This interview was a follow-up in regard to my interactions with her on January 28, 2019.

During my conversation with Shapiro, I asked her to articulate what happened from the time she left Runnings with Misch. Shapiro advised during the December 2018 visit to Runnings, she drove directly from Runnings in New Hampshire to Gage Street in Bennington to drop Misch off at his residence. I asked if they made any additional stops, she stated "no." She recalled getting gas at some point but clarified she stopped prior to shopping at Runnings. I asked her how confident she was with her recollection, she stated 100%. I then asked if she recalled Misch taking anything with him when she dropped him off, she noted he took the small plastic bag he received from Runnings with him.

On February 06, 2019, at approximately 1715 hours, Detective Lieutenant Trayah and I met with Misch at the Bennington Police Department in order to conduct an interview with him. During this interview Misch confirmed within the last six months he purchased one AR-15 style rifle chambered in 7.62 x 39mm. I asked if he purchased any magazines with the AR-15 style rifle. Misch confirmed he had purchased two magazines for the AR-15 style rifle between April 11, 2018, and October 01, 2018. When asked if Misch had purchased any magazines after October 01, 2018, he advised he no longer wanted to answer any questions.


On February 06, 2018, a search warrant for Misch's residence, located at 316 Gage Street, Bennington, Vermont, was applied for and granted by the Honorable Judge William Cohen. Approximately 1710 hours, members of the Vermont State Police executed the search warrant and subsequently located two 7.62x39mm ProMag Metal 30 Round Magazines. These are consistent with what was purchased on December 01, 2018, from Runnings in New Hampshire. These items were seized and placed into evidence.

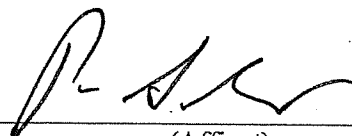
Based upon the aforementioned facts and circumstances, I believe there is probable cause Max Misch violated Title 13 VSA 4021, Large Capacity Ammunition Feeding Devices.

Misch was subsequently cited and released to appear before the Bennington Superior Court, Criminal Division, on February 07, 2019. I respectfully request the court, following his arraignment, order Max Misch to appear at the Shaftsbury State Police Barracks to submit fingerprints and photographs.

Subscribed and sworn to before me on

this 06 day of FEBRUARY, 2019


(Notary Public) (Judicial Officer)


(Affiant)

02/06/2019
(Date)